

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD JACKSON,

Plaintiff,

v.

SGT. WILLIAMS, *et al.*,

Defendants.

Case No. C05-5794FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AND GRANTING SUMMARY
JUDGMENT

The Defendants moved for summary judgment as to Plaintiff's Section 1983 Civil Rights complaint wherein Plaintiff seeks monetary damages stemming from a fight with another inmate while he was in custody at McNeil Island Correctional Center and two related infractions incurred. Defendants argue five points in moving for summary judgment. Plaintiff's response to the summary judgment motion was due January 22, 2007, and he was advised of the consequences of failing to file opposition to a summary judgment motion.

Plaintiff, on February 21, 2007, purports to file an opposition to the Defendants' Motion for Summary Judgment. Plaintiff makes a brief statement of the facts and issues and evidence on which he relies.. Plaintiff has failed to rebut the arguments and facts presented by the Defendants, however. His good time credits were restored and the infractions were removed from his record. There are no individual claims against Defendants Payne and Lehman other than to name them in their official capacity. Other than Plaintiff's statement that he made a good faith effort to serve Defendants Williams, Anderson and Allen, there is no showing that they have been served. Defendants are entitled to qualified immunity, as there Plaintiff has not demonstrated a constitutional violation in the events surrounding his disciplinary

1 proceedings. For all the reasons argued by Defendants as well as Plaintiff's failure to file a timely response
2 to the motion for summary judgment, the Court will adopt the Report and Recommendation are grant
3 Defendants summary judgment.

4 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate
5 Judge J. Kelley Arnold, objections to the report and recommendation, and the remaining record, does
6 hereby find and ORDER:

- 7 (1) The Court adopts the Report and Recommendation;
8 (2) Defendants' motion for summary judgment is GRANTED;
9 (3) Plaintiff's causes of action are DISMISSED; and plaintiff's pending motions, if any, are
10 denied as being moot;
11 (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley
12 Arnold

13 DATED this 6th day of March 2007.

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16 FRANKLIN D. BURGESS
17 UNITED STATES DISTRICT JUDGE
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